

JUDICIAL COUNCIL  
OF THE FIRST CIRCUIT

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IN RE  
COMPLAINT NO. 01-08-90015

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BEFORE  
Lynch, Chief Circuit Judge

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ORDER  
ENTERED: AUGUST 18, 2008

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On June 12, 2008, complainant, a pro se litigant, filed a complaint of judicial misconduct under 28 U.S.C. § 351(a) against a chief district judge in the First Circuit. This complaint is the second filed by this litigant. She filed Complaint No. 480 (No. 01-08-90003), on February 14, 2008, against another district judge. In that matter, the complainant alleged wrongdoing in connection with the complainant's civil case against her former spouse, numerous state court judicial officers and staff, a number of private attorneys, and other government agencies. On April 9, 2008, then Chief Judge Boudin issued an order dismissing Complaint No. 480 pursuant to 28 U.S.C. §§ 352(b)(1)(A)(ii), and (iii). The complainant filed a petition for review in that matter (which is pending) at the same time that she filed the present complaint.

The complainant presents no clear charges of misconduct against the chief district judge. Instead, she provides copies of apparent pleadings filed in her civil case in the district court and in the multiple appeals she has filed in this case. These documents contain miscellaneous legal citations and charges of wrongdoing by an attorney, whom the complainant describes as her

previous "divorce lawyer" and who is among the approximately 57 defendants named in the proceeding. They also include allegations of docketing errors in the complainant's federal district court case and miscellaneous documentation from the complainant's apparent divorce dispute in state probate court. The misconduct complaint and accompanying documentation contain no discernible allegations of wrongdoing by the chief district judge, much less facts or evidence in support of any such charges. The complainant's case is presided over by a different district judge and a misconduct complaint concerning his handling of the proceeding has been dismissed in the first instance.<sup>1</sup> As the complainant presents no suggestion of bias or other impropriety by the chief district judge--either in connection with the complainant's case, or otherwise--the complaint is dismissed as unfounded pursuant to 28 U.S.C. § 352(b)(1)(A)(iii). See also Rules for Judicial-Conduct and Judicial-Disability Proceedings (Rules of Judicial Misconduct), Rule 11(c)(1)(C).

Insofar as the complainant seeks to hold the chief district judge responsible for alleged errors or misconduct by the presiding district judge or clerk's office staff, the complaint is not cognizable. A chief judge is not automatically responsible for alleged errors or wrongdoing in his or her court, especially where, as here, there is no indication that the chief district judge was even made aware of the complainant's claims. See e.g., Boudin, C.C.J., In re: Complaint No. 368, March 8, 2004 (Alleged procedural error in the distribution of subpoenas does not indicate misconduct by the chief district judge.). Furthermore, as the misconduct complaint against the presiding judge was dismissed, see Boudin, C.C.J., Order, In re: Complaint No. 480, April 9, 2008, there is no evidence that he committed any wrongdoing for which the chief district judge could be held accountable. Although not relevant to the disposition of the final matter, I note, as well, that the complaint

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<sup>1</sup>As indicated, *supra*, the petition for review filed in connection with Complaint No. 480 is pending.

contains no facts suggesting clerical or docketing errors in the complainant's case. Accordingly, any charge that the chief district judge is responsible for the alleged mistakes or misconduct of other judicial officers or staff is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(i), and Rules of Judicial Misconduct, Rule 11(c)(1)(A).

For the reasons stated, Judicial Misconduct Complaint No. 01-08-90015 is dismissed, pursuant to 28 U.S.C. §§ 352(b)(1)(A)(i), and 352(b)(1)(A)(iii).

8/18/08  
Date

  
Chief Judge Lynch